

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PASCHALL L. SANDERS,

Plaintiff,

ORDER

13-cv-649-wmc

KITTY RHODES, *et al.*,

Defendants.

In response to this court's September 24, 2013 order, plaintiff Paschall Sanders has submitted a certified copy of his six-month resident account statement so that the court can determine whether plaintiff qualifies for indigent status and, if he does, calculate an initial partial payment of the fee for filing this case. After considering plaintiff's motion and supporting documentation, the court concludes that plaintiff qualifies for indigent status.

Using information for the relevant time period from plaintiff's resident account statement the court finds that 20% of the average monthly deposits is \$32.00. For this case to proceed, plaintiff must submit this amount on or before November 1, 2013. Plaintiff is reminded that paying the amount I have determined he is able to prepay is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After the court receives plaintiff's payment, his complaint will be taken under advisement for a determination under § 1915(e)(2) whether the action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff seeks monetary relief against a defendant who is immune from such relief.

ORDER

IT IS ORDERED that:

1. The motion filed by plaintiff Paschall Sanfers for leave to proceed without prepayment of fees (Dkt. # 5) is GRANTED.
2. Plaintiff is assessed \$32.00 as an initial partial payment of the \$350 fee for filing this case as an indigent litigant. He shall submit a check or money order made payable to the "Clerk of Court" in the amount of \$32.00 on or before November 1, 2013. **Plaintiff is advised that, if he fails to comply as directed or show cause of his failure to do so, the court will assume that he does not wish to proceed and this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).**
3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 11th day of October, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge